

18. (NEW) A data communication system in accordance with claim 9, wherein said light sensing means is a portable communication terminal including storage means for storing one or more images displayed on said light sensing means display.

19. (NEW) A data communication method in accordance with claim 11, further comprising the step of displaying said moving image on said display of said light sensing means.

20 (NEW) A data communication method in accordance with claim 19, further comprising the step of removing said moving image from said display means after displaying said moving image on said display of said light sensing means.

REMARKS

An Office Action was mailed on September 11, 2002. Claims 1-12 are pending in the present application.

CHANGE OF CORRESPONDENCE INFORMATION

Applicant is submitting herewith a Change of Correspondence form. All future correspondence in this matter should be directed to Customer Number 026304 at **Katten Muchin Zavis Rosenman**, 575 Madison Avenue, New York, New York, 10022-2585, Phone: (212) 940-8800, Fax: (212) 940-8776. The attorney docket number has also changed to **SCEI 16.549 (100809-16122)**, and it is respectfully requested that the Examiner update such information in the PALM system.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-4 are rejected under 35 U.S.C. §102(b) as being anticipated by Yamazaki (U.S. Patent 6,251,011), while claims 5-12 are rejected under 35 U.S.C. §102(b) as being anticipated by Baer (U.S. Patent 3,993,861; cited by Applicant). Responsive thereto, Applicant has canceled claims 1-4, amended claims 5-12 and added new claims 13-20 for the review and consideration of the Examiner. Reconsideration is respectfully requested. Amended claims 5-12 and new claims 13-20 are based on the concept of the light sensing means including a display and means for displaying the encoded and transmitted moving image thereon. Support for such concept can be found on page 10, lines 19-27 of the specification as originally filed.

As such concept is not represented in the prior art, Applicant respectfully disagrees with the Examiner that claims 5-20 are taught by the cited art. The Manual For Patenting Examining Procedure (MPEP) § 2131 clearly sets forth the standard for rejecting a claim under 35 U.S.C. § 102(b). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (MPEP § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California 2 USPQ2d 1051, 1053 (Fed Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ...claim." (MPEP § 2131, quoting Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). "The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis*

test, i.e. identity of terminology is not required.” (MPEP § 2131, citing In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990)).

In this case, the cited art fails to teach the claimed invention as required by the MPEP and as set forth above. Both Yamazaki and Baer fail to teach or reasonably suggest a light sensing device having a display and means for capturing and/or transferring an encoded and broadcast image to the display of the light sensing means. The prior art only teaches the transmission of encoded data through a data broadcast system, with such data being represented by a certain portion of an image that has unique color or light properties, and a light sensing device, that is able to interpret the unique color or light properties of such certain portion of such image, is then capable of decoding such data and communicating the same to an entertainment system or the like. There is no discussion of the display of such image on the light sensing device or the transference of such display image from the broadcast display means to the light sensing device as set forth in claims 5-20.

It should be appreciated that Applicant cannot reasonably claim every variation of the claimed subject matter and does not make a general disclaimer by this amendment.

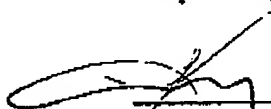
Accordingly, it is respectfully requested that the Examiner withdraw the rejections under 35 U.S.C. § 102(b).

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 5-20, consisting of independent claims 5, 7, 9 and 11 and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited.

However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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MARKED-UP COPY OF AMENDED APPLICATION - 09/428,756**IN THE CLAIMS**

5. (AMENDED) A data receiver comprising:

a light sensing means that senses the light of part or all of [the] a moving image displayed on a display means; and

a digital data decoding means that detects the change in each unit time in the color of part or all of the moving image sensed by said light sensing means and decodes and generates digital data;

wherein said light sensing means further comprises a display and means for displaying said moving image thereon.

7. (AMENDED) A data reception method comprising the steps of:

sensing the light of part or all of a moving image displayed on a display means with a light sensing means; and

detecting a change in each unit time in the color of part or all of the moving image whose light is sensed and decoding the digital data

wherein said light sensing means has a display and means for displaying said moving image thereon.

9. (AMENDED) A data communication system that transmits a moving image from a data transmitter to a data receiver comprising:

said data transmitter including:

an image data encoding means that encodes, each unit time, the color of part or all of a moving image based on digital data that is input and generates image data, and

a transmission means that transmits said image data; and

said data receiver including

a reception means that receives image data,

a display means that displays a moving image based on image data,

a light sensing means that senses a part or all of the moving image displayed on said display means, said light sensing means having a display,

a digital data decoding means that detects the change each unit time in the color of part or all of the moving image sensed by said light sensing means and decodes and generates the digital data, and

means for displaying said moving image on the display of said light sensing means.

11. (AMENDED) A data communication method comprising the steps of:

generating encoded image data in which the color of part or all of a moving image is changed in each unit time based on digital data;

displaying the moving image on a display means based on said image data,;

sensing the light of part or all of the moving image displayed on said display means, and

detecting a change in each unit time in the color of part or all of the moving image whose light is detected, and decoding the digital data,

wherein said sensing is performed with a light sensing device having a display and means for displaying said moving image on said display of said light sensing device.